

Application No.: 09/666,902

Docket No. D02463

REMARKS**A. Status of the Application**

Claims 1-3 and 5-24 were under consideration in the instant application. Applicant had previously withdrawn Claim 4.

The Examiner rejected Claims 1-3, 5-10, and 13-24 as being unpatentable. The Examiner determined that there was allowable subject matter in Claims 11 and 12, but objected to them for being dependent upon a rejected claim.

With this response the Applicant has requested that Claims 1 and 24 be amended, and that Claim 12 be canceled.

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B. Rejection of the Claims under 35 U.S.C. § 103

Claims 1-3, 5-10, and 13-24 were rejected as unpatentable under 35 U.S.C. § 103(a) over U.S. Patent No. 5,838,686 in view of U.S. Patent Nos. 5,446,726, 6,275,536, and/or 5,614,955.

Applicant has overcome these rejections with the amendment of Claims 1 and 24, as discussed in the following pages.

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B. Objections to the Claims

The Examiner objected to Claims 11 and 12 , stating that these claims would be allowable if rewritten in independent form including all limitations of the base claim (Claim 1). With this response the Applicant has requested that Claim 1 be amended to include the limitations of Claim 12 (see below):

1. (Presently twice amended) A method for processing a first plurality of channels of video data at a second plurality of processors, comprising the steps of capturing a sample of data from each channel; obtaining a measure of a complexity for each channel based on the sample captured for that channel, wherein the measure of the complexity for each sample is a function of a ratio of a number of B-frames to a number of P-frames and I-frames thereof; assigning each channel to at least one of the processors for processing thereat, wherein the processors comprise respective transcoders for transcoding the channels assigned thereto; and maintaining a running balance of an accumulated complexity for each processor according to the complexity of the channel(s) assigned thereto; wherein:
the channels are dynamically assigned to the processors such that channels with relatively high complexity are assigned before channels with relatively low complexity.

With this amendment of Claim 1, the Applicant believes that in keeping with the Examiner's prior determination, this claim is now in condition for allowance. Applicant also submits that

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Claims 2-3, 5-11, and 13-23 (all of which directly or indirectly depend upon amended Claim 1) are also now allowable.

The Applicant has also amended Claim 24 with this response. In this claim, as in Claim 1, all of the limitations of Claim 12 have been incorporated, and allowance is requested. Amended Claim 24:

24. (Presently twice amended) An apparatus for processing a first plurality of channels of video data at a second plurality of processors, comprising:

means for capturing a sample of data from each channel;

means for obtaining a measure of a complexity for each channel based on the sample captured for that channel, wherein the measure of the complexity for each sample is a function of a ratio of a number of B-frames to a number of P-frames and I-frames thereof;

means for assigning each channel to at least one of the processors for processing thereat, wherein the processors comprise respective transcoders for transcoding the channels assigned thereto; and

means for maintaining a running balance of an accumulated complexity of the channel(s) assigned thereto;

wherein:

the channels are dynamically assigned to the processors such that channels with relatively high complexity are assigned before channels with relatively low complexity.

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CONCLUSION

The presently amended claims are believed to patentably distinguishable from the cited art, and Applicant respectfully requests that they be passed to allowance. Should any issues arise that prevent early allowance of the above application, the examiner is invited contact the undersigned to resolve such issues.

To the extent an extension of time is needed for consideration of this response, Applicant hereby request such extension and, the Commissioner is hereby authorized to charge deposit account number 502117 for any fees associated therewith.

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Respectfully submitted,

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